

**Baker & Hostetler LLP**  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: 212.589.4200  
Facsimile: 212.589.4201  
David J. Sheehan  
Email: [dsheehan@bakerlaw.com](mailto:dsheehan@bakerlaw.com)  
Nicholas J. Cremona  
Email: [ncremona@bakerlaw.com](mailto:ncremona@bakerlaw.com)  
Dean D. Hunt  
Email: [dhunt@bakerlaw.com](mailto:dhunt@bakerlaw.com)

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

---

In re:

BERNARD L. MADOFF,

Debtor.

---

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

CHERNIS FAMILY LIVING TRUST (2004);  
SCOTT R. CHERNIS IRREVOCABLE TRUST  
UNDER INDENTURE OF TRUST 8/15/91; SCOTT  
R. CHERNIS, individually, in his capacity as Trustee  
for the Chernis Family Living Trust (2004) and as  
Settlor for the Scott R. Chernis Irrevocable Trust  
Under Indenture of Trust 8/15/91; GABRIELLE S.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04755 (SMB)

CHERNIS, individually and in her capacity as Trustee for the Chernis Family Living Trust (2004); and PETER G. CHERNIS, in his capacity as Trustee for the Scott R. Chernis Irrevocable Trust Under Indenture of Trust 8/15/91,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY  
DISMISSAL OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and Defendants Chernis Family Living Trust (2004) (“Chernis Family Trust”); Scott R. Chernis Irrevocable Trust Under Indenture of Trust 8/15/91 (“Scott Chernis Trust”); Scott R. Chernis, individually, in his capacity as Trustee for the Chernis Family Living Trust (2004) and as Settlor for the Scott R. Chernis Irrevocable Trust Under Indenture of Trust 8/15/91 (“Scott Chernis”); Gabrielle S. Chernis, individually and in her capacity as Trustee for the Chernis Family Living Trust (2004) (“Gabrielle Chernis”); and Peter G. Chernis, in his capacity as Trustee for the Scott R. Chernis Irrevocable Trust Under Indenture of Trust 8/15/91 (“Peter Chernis”), by and through their counsel, Martin B. Shulkin of Duane Morris LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 1, 2010, the Trustee filed and served the Complaint against Defendants Chernis Family Trust, Scott Chernis Trust, Scott Chernis, Gabrielle Chernis, and Peter Chernis.

2. On January 16, 2014, Defendants Chernis Family Trust, Scott Chernis Trust, Scott Chernis, Gabrielle Chernis, and Peter Chernis served an answer on the Trustee.

3. On September 2, 2015, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].

4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee's claims against Defendants in the above-captioned adversary proceeding and dismissing the adversary proceeding.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

New York, New York  
October 30, 2015

By: /s/ Nicholas J. Cremona  
**BAKER & HOSTETLER LLP**  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: 212.589.4200  
Facsimile: 212.589.4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Nicholas J. Cremona  
Email: ncremona@bakerlaw.com  
Dean D. Hunt  
Email: dhunt@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and the Estate of Bernard L. Madoff*

By: /s/ Martin B. Shulkin  
**DUANE MORRIS LLP**  
Martin B. Shulkin  
100 High Street, Suite 2400  
Boston, Massachusetts 02110-1724  
Telephone: 857.488.4210  
Facsimile: 857.401.3064  
Email: mbshulkin@duanemorris.com

*Attorney for Chernis Family Trust, Scott  
Chernis Trust, Scott Chernis, Gabrielle  
Chernis, and Peter Chernis*

SO ORDERED

Dated: October 30<sup>th</sup>, 2015  
New York, New York

/s/ STUART M. BERNSTEIN  
HON. STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE